

Notice of Allowability	Application No.	Applicant(s)	
	09/643,073	AMANAT ET AL.	
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 2/13/06.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

1. This communication is in response to appeal brief filed 2/13/06.
2. In view of the Appellant's brief filed on 2/13/06 finality of office action of June 9, 2005 has been withdrawn.
3. Claims 1-22 are allowed.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the original drawings are submitted as informal drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. Formal drawings are required in reply to the Office action to avoid abandonment of the application.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
5. The claimed inventions pertain to a method of balancing data communications loads among data communications ports in systems for automated trading of securities which include

Art Unit: 3624

at least generating a budget report in an organization based on hierarchical structure including a plurality of levels of contributors who participate in the budgeting process.

6. The following prior art references have been deemed most relevant to the allowed claim(s):

DeJager et al. (US Pat. 6473424) (hereafter DeJagger) teaches methods, apparatuses and systems that allocate port assignments based on load, that is, the amount of data being forwarded through each port in the group. The load balancing dynamic, that is, packets from a given stream may be forwarded on different ports depending upon each port's current utilization.

Buhanic [US PG PUB 20020023048] a securities trading system including a node for facilitating transactions, at least one buy side computer associated with a party desiring to purchase, at least one sell side computer associated with a party desiring to sell and a communication channel coupling the node with the buy side computer and the sell side computer. The latency of the communications channel is determined in real time and parameters of a trade can be adjusted based on the latency and predetermined logic elements.. A Latency check module establishes communication with each of servers of the trading system, through the respective latency modules to continuously check latency of system in general and each server in particular.

Dravida et al. (US Pat. 5,253,248) teaches a congestion control scheme for connectionless networks relieves congestion by routing a portion of traffic on a congested primary path onto a predefined alternate path constructed such that loop-freedom is guaranteed. Explicit care is taken to avoid spreading congestion onto alternate paths. The control actions are

Art Unit: 3624

taken in a completely distributed manner, based on local measurements only and therefore no signaling messages need to be exchanged between nodes. If desired, lower loss priority may be assigned to alternate routed traffic. Congestion is monitored locally and thresholds defined to declare the onset and abatement of congestion. The present invention affords at least an order of magnitude improvement in end-to-end cell blocking under sustained focused overload.

Claims 1-22 are allowed because the prior art of record including the aforementioned closest prior art references fails to teach or suggest in any combination, a method or a corresponding system for automated trading of securities. In particular the following unique features are deemed novel rendering the respective claims allowable.

Claims 1-10 and 21: determining that a first port through which a first order is being sent from a broker-dealer system to a market is not overloaded, the determination being dependent upon the first order and an acknowledgement of the first order sent from the first port to the broker-dealer system, where the acknowledgement of the first order is received from the market through the first port and sending a second order through the first port to the market is sent based upon the determination that the first port is not overloaded and wherein the broker-dealer system and the market are connected via at least the first port and a second port.

Claims 11-20 and 22: a computer processor coupled to computer memory and a broker-dealer system and coupled through data communication ports to more than one market which processor is programmed to carry out the method steps discussed above as novel feature of method claims 1-10 and 21.

Art Unit: 3624

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nichols et al. (US PGPub. 2003/0055652) teaches a private network exchange with multiple service providers, having a portal, collaborative applications, and a directory service.

Faris et al. (US PGPub. 2002/0026321) teaches an improved system and method of fairly and securely enabling timed-constrained competitions over the Internet among millions of competitors while compensating for the variable network communication latencies experienced by client machines used by the competitors.

Bare Ballard C. (US Pat. 6,577,600) discloses a method for computing cost information associated with a port of a switch in a network of switches. Cost information is computed as a port load factor: a ratio of port latency over available throughput. Port latency is determined as the depth of a queue associated with the port divided by the speed of the port. Available throughput is determined as the speed of the slowest port on a given path associated with the port in question.

Lubanko, Matthewi Click & Invest Transaction Time Lag Can Surprise Cyber Investors', Hartford Courant, Jan 23, 1999 describes time lags associated with trading of securities in the stock markets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703) 308-7837.

The examiner can normally be reached on 800AM-600 PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/24/2006

VTC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

